

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

AMANDA FRLEKIN, DEAN PELLE,  
ADAM KILKER, and BRANDON  
FISHER, individually and on behalf of all  
others similarly situated,

Plaintiffs,

v.

APPLE, INC.,

Defendant.

No. C 13-03451 WHA

No. C 13-04727 WHA

**SCHEDULING ORDER  
FOLLOWING FEBRUARY 20  
HEARING**

TAYLOR KALIN, individually and on  
behalf of all others similarly situated,

Plaintiff,

v.

APPLE, INC.,

Defendant.

Oral argument at today's hearing highlighted the possibility that plaintiffs artfully worded their pleadings to hide serious defects in their proposed FLSA collective action. In particular, Apple asserted at the hearing that not all employees are subject to a security screening. Moreover, it claimed that plaintiffs' sworn deposition testimony contradicted their sworn declaration testimony regarding their personal experiences waiting in line for a security

1 screening. Finally, it argued that plaintiffs' claims are not compensable under *Busk v. Integrity*  
2 *Staffing Solutions, Inc.*, 713 F.3d 525 (9th Cir. 2013), and other decisions introduced at oral  
3 argument.

4 Accordingly, rulings on the motions to certify a FLSA collective action, appoint interim  
5 counsel, and consolidate the *Frlekin* and *Kalin* actions will be postponed. As explained at the  
6 case management conference, the following is hereby ordered:

7 *First*, Apple must file all declarations and deposition transcripts with the Court by the  
8 end of today. Chambers copies of these filings must be placed in a three-ring binder with an  
9 index and tabs.

10 *Second*, Apple must conduct discovery and file its motion for summary judgment against  
11 all individual plaintiffs (and their operative pleadings) and all claims by **APRIL 10, 2014**.

12 Plaintiffs' opposition to this motion is due by **MAY 1, 2014**. Apple's reply brief is due by **MAY**  
13 **8, 2014**. The hearing on Apple's summary judgment motion will be held on **MAY 22, 2014, AT**  
14 **8:00 A.M.** All parties are expected to fully cooperate with expedited discovery for this motion.  
15 This order notes that both parties agreed at the hearing to toll the FLSA statute of limitations for  
16 potential FLSA class members until the Court rules on Apple's summary judgment motion.

17 *Third*, the March 27 deadline for class certification motions shall be suspended until  
18 Apple's summary judgment motion is resolved. If any of the individual plaintiffs' claims  
19 survive, a new deadline for class certification motions can be established. All other deadlines in  
20 the case management scheduling order remain in effect.

21  
22 **IT IS SO ORDERED.**

23  
24 Dated: February 20, 2014.

25   
26 WILLIAM ALSUP  
27 UNITED STATES DISTRICT JUDGE  
28